

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

In Re: LESLIE ANN BATSCHE,

Chapter 13
File No. 13-21307
Hon. Daniel S. Opperman

Debtor.

OBJECTION BY THE UNITED STATES TO CONFIRMATION OF PLAN

The United States of America, by its attorneys, United States Attorney, Barbara L. McQuade and Assistant United States Attorney Julia A. Caroff, on behalf of the Internal Revenue Service (IRS), objects to the confirmation of the debtor's plan for the following reasons:

1. The debtor filed a voluntary petition for protection under Chapter 13 of the Bankruptcy Code on May 9, 2013, and subsequently filed this plan.
2. The IRS timely filed a Proof of Claim on June 6, 2013. The Proof of Claim states a priority claim of \$24,576.13. The IRS's proof of claim consists of filed returns and estimated tax liabilities, as the debtor has failed to file the following returns: 2011 and 2012 federal income tax returns.
3. The debtor was required to have filed her missing tax returns before June 13, 2013, which was the date of her meeting of creditors. The debtor's plan cannot be confirmed given her unfiled income tax returns. 11 U.S.C. §§ 1325(a)(9) and 1308(a).
4. The United States further objects to confirmation because the proposed Chapter 13 plan fails to provide for payment of the priority tax liabilities stated on the IRS proof of claim. Under paragraph G(3) of the plan, debtor proposes to pay the IRS

\$9,000. IRS's priority claim is \$24,576.13. To be confirmed, the debtor's plan must provide for the full payment, in deferred cash payments, of all claims entitled to priority under Section 11 U.S.C. § 1322(a)(2).

5. After the debtor files the missing returns for 2011 and 2012, and if a general claim arises, these claims will not be discharged until paid in full for the reason that these returns were not filed until after the filing of her bankruptcy petition. 11 U.S.C. 523(a)(1)(B)(i).

Wherefore, the United States respectfully requests that this Court deny confirmation of the debtor's plan for the foregoing reasons and grant such further and additional relief as deemed just and appropriate.

Dated: June 24, 2013

BARBARA L. McQUADE
United States Attorney

/s/Julia A. Caroff
JULIA A. CAROFF
Assistant U.S. Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
Phone: (313) 226-9772
E-mail: Julia.Caroff@usdoj.gov
Penna. Bar No. 37949